

IN THE SENATE

SENATE BILL NO. 1303, As Amended in the House

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO ANIMALS; AMENDING SECTION 25-3504, IDAHO CODE, TO REMOVE REFERENCE TO MISDEMEANORS; AMENDING SECTION 25-3506, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO CERTAIN DISPLAYS OF COMBAT BETWEEN GAMECOCKS; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PENALTIES FOR VIOLATIONS, TO PROVIDE FOR VIOLATIONS OF SPECIFIED LAW, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR MISDEMEANORS, TO PROVIDE THAT SPECIFIED CONDUCT UNDER CERTAIN CIRCUMSTANCES SHALL CONSTITUTE A FELONY, TO PROVIDE FOR PENALTIES, TO PROVIDE THAT OTHER SPECIFIED CONDUCT SHALL CONSTITUTE MISDEMEANORS, TO REFERENCE PENALTIES, TO PROVIDE THAT EACH PRIOR CONVICTION OR GUILTY PLEA SHALL CONSTITUTE ONE VIOLATION AND TO PROVIDE THAT SPECIFIED PRACTICES ARE NOT ANIMAL CRUELTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25-3504, Idaho Code, be, and the same is hereby amended to read as follows:

25-3504. COMMITTING CRUELTY TO ANIMALS. Every person who is cruel to any animal, or who causes or procures any animal to be cruelly treated, or who, having the charge or custody of any animal either as owner or otherwise, subjects any animal to cruelty, ~~is, for every such offense, guilty of a misdemeanor and~~ shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. Any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, may take possession of the animal cruelly treated, and provide care for the same, until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.

SECTION 2. That Section 25-3506, Idaho Code, be, and the same is hereby amended to read as follows:

25-3506. EXHIBITION OF COCKFIGHTS. (1) Every person who participates in a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature is guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code.

(2) Every person who knowingly advertises, promotes or organizes a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature and at which:

(a) Any controlled substance listed in section 37-2732C, Idaho Code, is present; and

1 (b) Any act of gambling, as defined in section 18-3801, Idaho Code, oc-
 2 curs;

3 is guilty of a felony and shall, upon conviction, be punished in accordance
 4 with the penalty provisions in section 25-3520A(3) (a), Idaho Code.

5 (3) Every person who knowingly advertises, promotes or organizes a pub-
 6 lic or private display of combat between two (2) or more gamecocks in which
 7 the fighting, killing, maiming or injuring of gamecocks is a significant
 8 feature and at which:

9 (a) Gaffs or other artificial or mechanical means are used to enhance
 10 pain, inflict injury or to cause death; or

11 (b) Any substance to enhance activity, aggressiveness or bodily energy
 12 has been administered to a gamecock;

13 is guilty of a misdemeanor for a first violation and shall, upon convic-
 14 tion, be punished in accordance with the penalty provisions of section
 15 25-3520A(1), Idaho Code. Any person convicted of a second or subsequent vio-
 16 lation of the provisions of this subsection is guilty of a felony and shall,
 17 upon conviction, be punished in accordance with the penalty provisions of
 18 section 25-3520A(3) (a), Idaho Code. Each prior conviction shall constitute
 19 one (1) violation of the provisions of this subsection regardless of the
 20 number of counts involved in the conviction.

21 (4) Nothing in this section prohibits any customary practice of breed-
 22 ing or rearing game fowl, regardless of the subsequent uses of said game
 23 fowl.

24 SECTION 3. That Section 25-3520A, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 25-3520A. PENALTY FOR VIOLATIONS -- TERMINATION OF RIGHTS. (1) Except
 27 as otherwise provided in section 25-3503 or 25-3506, Idaho Code, any per-
 28 son convicted for a first violation of any of the provisions of this chapter
 29 shall be punished, for each offense, by a jail sentence of not more than six
 30 (6) months or by a fine of not less than one hundred dollars (\$100) or more
 31 than five thousand dollars (\$5,000), or by both such fine and imprisonment.

32 (2) Except as otherwise provided in section 25-3503 or 25-3506, Idaho
 33 Code, any person convicted of a second violation of any of the provisions of
 34 this chapter within ten (10) years of the first conviction, shall be punished
 35 for each offense, by a jail sentence of not more than nine (9) months or a fine
 36 of not less than two hundred dollars (\$200) or more than seven thousand dol-
 37 lars (\$7,000) or both fine and imprisonment.

38 (3) (a) Except as otherwise provided in section 25-3503 or 25-3506,
 39 Idaho Code, any person convicted of a third or subsequent violation of
 40 any of the provisions of this chapter, except certain violations of
 41 section 25-3504, Idaho Code, as provided in paragraph (b) of this sub-
 42 section, within fifteen (15) years of the first conviction, shall be
 43 guilty of a misdemeanor and punished for each offense by a jail sentence
 44 of not more than twelve (12) months or a fine of not less than five hun-
 45 dred dollars (\$500) or more than nine thousand dollars (\$9,000) or by
 46 both fine and imprisonment.

47 (b) Except as provided in section 25-3503, Idaho Code, any person con-
 48 victed of a third or subsequent violation who previously has been found
 49 guilty of or has pled guilty to two (2) violations of section 25-3504,

1 Idaho Code, provided the violations were for conduct as defined by sec-
2 tion 25-3502(5) (a), Idaho Code, within fifteen (15) years of the first
3 conviction, shall be guilty of a felony and punished for each offense
4 by a jail sentence of not more than twelve (12) months or a fine of not
5 less than five hundred dollars (\$500) or not more than nine thousand
6 dollars (\$9,000) or by both fine and imprisonment. All other violations
7 of section 25-3504, Idaho Code, for conduct as defined by any other
8 paragraphs, other than paragraph (a) of section 25-3502(5), Idaho Code,
9 shall constitute misdemeanors and shall be punishable as provided in
10 paragraph (a) of this subsection.

11 (c) Each prior conviction or guilty plea shall constitute one (1) vi-
12 olation of this chapter regardless of the number of counts involved in
13 the conviction or guilty plea. Practices described in section 25-3514,
14 Idaho Code, are not animal cruelty.

15 (4) If a person pleads guilty or is found guilty of an offense under this
16 chapter, the court may issue an order terminating the person's right to pos-
17 session, title, custody or care of an animal that was involved in the offense
18 or that was owned or possessed at the time of the offense. If a person's right
19 to possession, title, custody or care of an animal is terminated, the court
20 may award the animal to a humane society or other organization that has as its
21 principal purpose the humane treatment of animals, or may award the animal
22 to a law enforcement agency or animal care and control agency. The court's
23 award of custody or care of an animal will grant to the organization or agency
24 the authority to determine custody, adoption, sale or other disposition of
25 the animal thereafter.